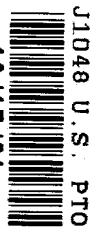


12/17/01



J1048 U.S. PTO

Please type a plus sign (+) inside this box



Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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PTO/SB/05 (03-01)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. BB1037 US DIV

First Inventor Saverio Carl Falco et al.

Title Chimeric Genes and Methods for Increasing the Lysine and Threonine Content of the Seeds of Plants

Express Mail Label No. EF117003511US

Jc715 U.S. PTO  
10/2306

12/17/01

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 125]  
(preferred arrangement set forth below)  
- Descriptive title of the invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table, or a computer program listing appendix  
- Background of the invention  
- Brief Summary of the invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 19]  
5. Oath or Declaration [Total Pages 2]  
a. ☐ Newly executed (original or copy)  
b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)  
i. ☒ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)  
a. ☒ Computer Readable Form (CRF)  
b. Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☒ paper - 47 pages  
c. ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement [Power of Attorney] (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 [Copies of IDS Citations]
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Request to Amend Drawings Under 37 CFR 1.121(d), Petition Under 37 CFR 1.148(d), Amendment Correcting Inventorship Under 37 CFR 1.148(b)

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No: 08 / 823771 filed March 24, 1997, which is a Divisional of 08/474633 filed June 7, 1995, which is a Continuation in part of 08/178212 filed January 6, 1994 which was the National filing of PCT/US93/02480 filed March 18, 1993 which is a continuation part of 07/8545414 filed March 19, 1992.

Prior application information:

Examiner E. McElwain

Group / Art Unit: 1638

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

23906

PATENT TRADEMARK OFFICE

or ☐ Correspondence address below

Name

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Lynne M. Christenbury

Registration No. (Attorney/Agent)

30,971

Signature

Lynne M. Christenbury

Date

Dec 17, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

# FEE TRANSMITTAL for FY 2002

*Patent fees are subject to annual revision.*

☐ Applicant Claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$) 908

## Complete if Known

Application Number	Unknown
Filing Date	Unknown
First Named Inventor	Saverio Carl Falco et al.
Examiner Name	Unknown
Group / Art Unit	Unknown
Attorney Docket No.	BB1037 US DIV

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number

04-1928

Deposit  
Account  
Name

E. I. du Pont de Nemours and Company

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	740
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1)** (\$) 740

### 2. EXTRA CLAIM FEES

Total Claims	11	-20	=	Extra Claims	0	X	Fee from below	18	=	Fee Paid	0
Independent Claims	5	-3	=	2	X	84	=	168			
Multiple Dependent	<input type="checkbox"/>				X	280	=	0			

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2)** (\$) 168

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES


Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(g)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)** (\$) 0

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Lynne M. Christenbury	Registration No. Attorney/Agent)	30,971	Telephone	302-992-5481
Signature		Date	Dec 17, 2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

SAVERIO C. FALCO ET AL.

CASE NO.: BB-1037 US DIV

APPLN. NO.: UNKNOWN

GROUP ART UNIT: UNKNOWN

FILED: UNKNOWN

EXAMINER: UNKNOWN

FOR: CHIMERIC GENES AND METHODS  
FOR INCREASING THE LYSINE AND  
THREONINE CONTENT OF THE  
SEEDS OF PLANTS

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

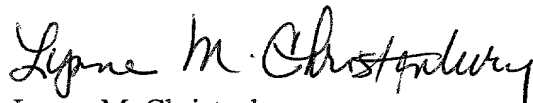
**Petition Under 37 CFR §1.48(b)**

Petition is made pursuant to 37 CFR §1.48(b) to delete the names of Sharon Jo Keeler and Janet Ann Rice as joint inventors. With this change, the inventor of the invention now claimed is Saverio Carl Falco.

Sharon Jo Keeler and Janet Ann Rice are deleted as co-inventors in the above-identified application since their contribution to the invention as originally claimed is no longer being claimed.

Please charge the required fee under 37 §CFR 1.17(h) of \$130.00 to Deposit Account 04-1928 (E. I. du Pont de Nemours and Company). If this fee is insufficient or incorrect, please charge or credit the balance to the above-identified account.

Respectfully submitted,



Lynne M. Christenbury  
Attorney for Applicants  
Registration No. 30,971  
Telephone: 302-992-5481

Date: Dec 17, 2001

100230000-42401

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN THE APPLICATION OF:  
SAVERIO CARL FALCO ET AL.

CASE NO.: BB1037 US DIV

APPLICATION NO.: UNKNOWN

GROUP ART UNIT: UNKNOWN

FILED: CONCURRENTLY HEREWITH

EXAMINER: UNKNOWN

**FOR: CHIMERIC GENES AND METHODS FOR INCREASING THE LYSINE AND  
THREONINE CONTENT OF THE SEEDS OF PLANTS**


Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**DECLARATION IN ACCORDANCE WITH 37 CFR 1.821**

I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 CFR 1.821(c) and (e), respectively are the same.

Respectfully submitted,

  
LYNNE M. CHRISTENBURY  
ATTORNEY FOR APPLICANTS  
REGISTRATION NO. 30,971  
TELEPHONE: 302-992-5481  
FACSIMILE: 302-892-1026

Dated: Dec 17, 2001

10023066-12101  
FOXTAT 99022001